

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	2:15-cr-071-JAD-GWF
	)	
Plaintiff,	)	<b>ORDER CONTINUING</b>
	)	<b>PRETRIAL HEARING</b>
vs.	)	
	)	
ROBERT KINCADE,	)	
	)	
Defendant.	)	

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**FINDINGS OF FACT**

This stipulation is entered for the following reasons:

1. The AUSA for the government is currently in trial and unavailable. *United States v. Louis Matthews* (2:15-cr-00062-JCM-CWH).
2. The Defendant is in custody and without waiving his previously lodged objections to speedy trial, defendant does not object to consolidation of hearing on October 14, 2016.


**CONCLUSIONS OF LAW**

3. Denial of this request for continuance would potentially prejudice both the Defendant and the Government taking into account the exercise of due diligence.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(8)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).

1           6.       This is the first request for a continuance of the hearing herein.

2                               **ORDER**

3           **IT IS HEREBY ORDERED**, that the pretrial hearing in the above-captioned matter,  
4 currently scheduled for October 12, 2016, at the hour of 3:30 p.m., be vacated and continued to  
5 October 14, 2016 at the hour of 10:30 a .m.

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9                               UNITED STATES MAGISTRATE JUDGE  
10                              October 12, 2016  
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